REAL ESTATE AGENT AUTHORITY ACT

Act 10 of 2020 – 1 November 2020

(unless otherwise indicated)

P 10/2020 (ss. 1-11, 17, 20, 33-41, 43, 45 and 47 – cio 1/11/2020); 15/21 (cio 5/8/2021); P 27/23 (cio 21/10/23); 20/23 – P10/24 (cio 29/3/24); 18/25 (cio 5/9/2020); 27/25 – P 22/25 (cio 5/1/26); 3/26 (cio 18/4/26);

ARRANGEMENTS OF SECTIONS

Sections

PART I – PRELIMINARY
1. Short title
2. Interpretation

PART II – REAL ESTATE AGENTS AUTHORITY
3. Establishment of Authority
4. Objects of Authority
5. Functions of Authority
6. Powers of Authority

PART III – ADMINISTRATION AND MANAGEMENT OF AUTHORITY

Sub-Part A – Real Estate Agent Board
7. Real Estate Agent Board
8. Composition of Board
9. Meetings of Board
10. Committees
11. Disclosure of interest

Sub-Part B – Director and Officers of Authority
12. Director
13. Delegation
14. Appointment of officers
15. Conditions of service of officers

PART IV – REAL ESTATE AGENTS

Sub-Part A – Registration as Real Estate Agent
16. Real estate agent
17. Security to be furnished by real estate agent
18. Register of Real Estate Agents

Sub-Part B – Obligations and Duties of Real Estate Agents
19. Contract
20. Fees chargeable by real estate agent
21. Keeping of accounts

PART V – AML/CFT Measures
22. Application of Part V
23. Reporting of suspicious transaction by real estate agent
24. Breach of AML/CFT measures

PART VI – DISCIPLINE
25. Professional misconduct
26. Preliminary investigation by Authority
27. Disciplinary proceedings
28. Disciplinary Committee

29. Proceedings of Disciplinary Committee
30. Other disciplinary measures
31. Summary proceedings
32. Name and other particulars removed from Register

PART VII – FINANCIAL PROVISIONS AND ACCOUNTS

33. Monies accruing to Authority
34. Execution of documents
35. Donations and exemptions
36. Annual report
37. Transfer of property and borrowing

PART VIII – MISCELLANEOUS

38. Legal proceedings
39. Confidentiality
40. Protection from liability
41. Powers of Minister
42. Review of decision of Authority
43. Regulations
44. Offences
45. Consequential amendments
46. Transitional provisions
47. Commencement

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Real Estate Agent Authority Act 2020.

2. Interpretation

In this Act –

"AML/CFT" means anti-money laundering and combatting the financing of terrorism and proliferation;

"Authority" means the Real Estate Agent Authority established under section 3;

"Board" means the Board referred to in section 8;

"Chairperson" means the Chairperson of the Board;

"client" means a person who retains the services of a real estate agent to carry out a real estate transaction;

"Code of Conduct and Practice" means such code as may be prescribed;

"development" has the same meaning as in the Planning and Development Act;

"Director" means the Director of the Authority;

"financial crime offence" has the same meaning as in section 41A of the Courts Act;

"FIU" means the Financial Intelligence Unit established under section 9(1) of the Financial Intelligence and Anti-Money Laundering Act;

"land promoter" means a person who –

(a) individually, or collectively, applies for planning permission for the development of real estate; and

(b) markets the real estate for sale on the open market once the planning permission is obtained;

"member" –

(a) means a member of the Board; and

(b) includes the Chairperson;

"Minister" means the Minister to whom responsibility for the subject of land use is assigned;

"Ministry" means the Ministry responsible for the subject of land use;

"officer" –

(a) means a person appointed as such under section 14; and

(b) includes the Director;

"property developer" means a person who, individually or collectively, promotes, plans and finances, whether with his own resources or those of any other party, the development of a real estate;

"real estate" –

(a) means a delimited part of land, including land covered with water; and

(b) includes any unit or other building on, and any right or interest in, the land;

"real estate agent" –

(a) means a person who, or a partnership in which he is a member which, carries out a real estate transaction in the course of a business by –

[Amended 15/21 (cio 5/8/2021).]

(i) negotiating the sale, exchange, purchase or lease of real estate;

(ii) directing or assisting in the procuring of prospects, or the negotiation or closing of transactions which result in the sale, exchange, purchase or lease of real estate;

(iii) taking part in the procuring of vendors, purchasers, lessors, lessees, landlords or tenants of real estate;

(iv) engaging in real estate management, either as a consultant or as an agent;

(v) advertising or holding himself out as being engaged in the business of negotiating the sale, exchange, purchase or lease of real estate;

(vi) receiving payment for a real estate transaction, either by himself, his partner, his employee or his agent; and

(b) includes –

(i) a land promoter;

(ii) a property developer; and

(iii) such other class of persons as may be prescribed; but

(c) does not include –

(i) –

[Repealed 15/21 (cio 5/8/2021).]

(ii) a person, employed by the State, a statutory body or such other body as may be prescribed, who, in the discharge of his functions, carries out a real estate transaction;

(iii) a person who acts for, or on behalf of, another person under a power of attorney to carry out a real estate transaction, provided that he does not carry out that transaction for any profit or consideration;

(iv) an administrator, a liquidator, a receiver manager, a receiver, an auctioneer or a trustee who, in the discharge of his functions, carries out a real estate transaction;

(v) any person who, by virtue of a Court order, carries out a real estate transaction;

(vi) such other class of persons as may be prescribed;

"Register" means the Real Estate Agent Register;

"United Nations Sanctions List" has the same meaning as in the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019.

[S. 2 came into operation on 1 November 2020); amended by s. 75 of Act 15 of 2021 w. e. f. 5 August 2021.]

PART II – REAL ESTATE AGENT AUTHORITY

3. Establishment of Authority

(1) There is established for the purposes of this Act the Real Estate Agent Authority.

(2) The Authority shall be a body corporate.

(3) The principal place of business of the Authority shall be at such place as the Board may determine.

[S. 3 came into operation on 1 November 2020).]

4. Objects of Authority

The Authority shall –

(a) regulate and control the business activities of real estate agents;

(b) promote transparency, accountability and integrity in the business activities of real estate agents; and

(c) protect and assist persons engaged in real estate transactions with real estate agents.

[S. 4 came into operation on 1 November 2020).]

5. Functions of Authority

The Authority shall have such functions as are necessary to further its objects most effectively and shall, in particular –

(a) register real estate agents;

(b) exercise and maintain discipline in the business activities of real estate agents;

(c) cooperate with FIU and other relevant public sector agencies to assist in the detection and prevention of money laundering and the financing of terrorism and proliferation within the real estate sector;

(d) exchange information with FIU to assist FIU in the discharge of its functions;

(e) approve the Money Laundering Reporting Officers, Deputy Money Laundering Reporting Officers and compliance officers of real estate agents;

[Amended 3/26 (cio 18/4/26).]

(f) establish a Code of Conduct and Practice for real estate agents and shall monitor compliance with such code;

(g) provide education and training in the field of real estate;

(h) develop and provide consumer information on matters relating to real estate transactions;

(i) investigate complaints against real estate agents;

(j) cooperate with any other institution having objects wholly or partly similar to its objects;

(k) advise the Minister on any matter governed by this Act on any matter connected with, or incidental to, it.

[S. 5 came into operation on 1 November 2020).]

[S. 5 amended by s. 18 of Act 3 of 2026 w.e.f. 18 April 2026.]

6. Powers of Authority

The Authority shall have such powers as may be necessary to discharge its functions most effectively and may, in particular –

(a) renew, suspend, vary or cancel the registration of real estate agents;

(b) set up any committee;

(c) enter into any contract or agreement;

(ca) establish and maintain links and liaison and enter into any agreement or arrangement with such institutions, authorities or agencies as it may determine for the purpose of assisting it in the discharge of its functions and in the furtherance of its objects;
[Inserted 3/26 (cio 18/4/26).]

(d) collect or receive any fee, rental, interest or other sum which may lawfully accrue to it;

(e) impose such penalty as may be prescribed;

(f) do such acts and things as may be necessary for the purposes of this Act.

[S. 6 came into operation on 1 November 2020).]

[S. 6 amended by s. 18 of Act 3 of 2026 w.e.f. 18 April 2026.]

PART III – ADMINISTRATION AND MANAGEMENT OF AUTHORITY

Sub-Part A – Real Estate Agent Board

7. Real Estate Agent Board

(1) The Authority shall be administered and managed by a Board to be known as the Real Estate Agent Board.

(2) The Board shall –

(a) establish the policy of the Authority;

(b) approve the work plan of the Authority;

(c) manage the budget of the Authority; and

(d) ensure that adequate human and financial resources are provided to the Authority for the proper discharge of its functions.

[S. 7 came into operation on 1 November 2020).]

8. Composition of Board

(1) The Board shall consist of –

(a) a Chairperson, who shall be a law practitioner of not less than 10 years' standing, to be appointed by the Minister;

(b) the Financial Secretary or his representative;

(c) the supervising officer of the Ministry or his representative;

(d) a representative of the Attorney-General's Office;

(e) the supervising officer of the Ministry responsible for the subject of consumer protection or his representative;

(f) the supervising officer of the Ministry responsible for the subject of financial services or his representative;

(g) the supervising officer of the Ministry responsible for the subject of local government or his representative;

(h) a representative of the Economic Development Board established under the Economic Development Board Act 2017;

(i) a representative of the Professional Land Surveyors Council established under the Professional Land Surveyors' Council Act;

(j) a representative of the Estate Agents Association;

(k) a representative of the *Chambre des Notaires de L'Ile Maurice*,; and

(l) 2 other members, to be appointed by the Minister.

(2) A member, other than an ex officio member, shall hold office for a period of 3 years and shall be eligible for reappointment.

(3) A member, other than an ex officio member, shall cease to hold office –

(a) on the completion of his term of office;

(b) on his resignation;

(c) where without sufficient cause, he fails to attend 3 consecutive meetings of the Board;

(d) in case of any criminal or disciplinary proceedings instituted against him.

(4) Where a vacancy occurs in the membership of the Board, the vacancy shall be filled by a person, appointed by the Minister, who shall hold office for the remainder of the term of office of that member.

(5) (a) The Board may co-opt such other person as may be of assistance in relation to any matter before it.

(b) Any person co-opted under paragraph (a) shall have no right to vote on any matter before the Board.

(6) Every member or any person co-opted under paragraph (a) shall be paid such fee or allowance as the Minister may determine.

(7) No member shall engage in any activity which is likely to undermine the integrity of the Authority.

[S. 8 came into operation on 1 November 2020).]

9. Meetings of Board

(1) The Board shall meet as often as may be necessary but at least once every 2 months at such time and place as the Chairperson may determine.

(2) At any meeting of the Board, 7 members shall constitute a quorum.

(3) Where the Chairperson is absent from a meeting of the Board, the members present shall elect a member to chair the meeting.

(4) At any meeting of the Board, every member shall have one vote on a matter in issue and, in the event of an equality of votes, the Chairperson shall have a casting vote.

(5) The decisions of the Board shall be taken by a simple majority of the members present at the voting in the meeting.

(6) (a) The Director shall designate an employee to act as Secretary to the Board.

(b) The Secretary shall –

(i) give notice of every meeting of the Board to the members;

(ii) prepare and attend every meeting of the Board;

(iii) keep minutes of proceedings of any meeting of the Board;

(iv) have no right to vote on any matter before the Board;

(v) establish, keep and maintain the Register according to this Act;

(vi) provide administrative support to enable the Board to discharge its functions efficiently and effectively; and

(vii) perform such other duties as may be conferred upon him by the Board.

(7) A special meeting of the Board shall be convened by the Secretary not later than 7 days after receipt by him of a request in writing signed by not less than 5 members and specifying the purpose for which the meeting is to be convened.

(8) The Secretary shall cause minutes of proceedings of each meeting of the Board to be recorded and preserved.

(9) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

[S. 9 came into operation on 1 November 2020).]

10. Committees

(1) (a) The Board may set up such committees as it may determine to assist it in the discharge of its functions.

(b) A committee referred to in paragraph (a) shall consist of not more than 3 members.

(2) The Board shall determine the composition, functions and procedure for the convening of meetings of any committee.

(3) The Board –

(a) may, on such terms and conditions as it may determine, delegate any of its powers to a committee;

(b) may approve, amend or set aside any recommendation of a committee.

(4) Every committee shall regulate its meetings and proceedings in such manner as it may determine.

(5) Every member of a committee shall be paid such fee or allowance as the Board may determine.

(6) A committee shall submit its report within such time as may be fixed by the Board and the report shall contain its observations, comments and recommendations on any matter referred to it by the Board.

(7) A committee shall be chaired by such person as the Board may determine.

[S. 10 came into operation on 1 November 2020).]

11. Disclosure of interest

(1) Where a member of the Board or any committee has an interest, direct or indirect, in a matter being considered or about to be considered by the Board or any committee, he shall disclose to the Board or committee the nature of his interest, and shall not take part in any deliberation or take part in any decision of the Board or committee in respect to that matter.

(2) A disclosure of interest under subsection (1) shall be recorded in writing.

[S. 11 came into operation on 1 November 2020).]

Sub-Part B – Director and Officers of Authority

12. Director

(1) The Board shall, subject to the approval of the Minister, appoint a Director on such terms and conditions as the Board may determine.

(2) The Director shall –

(a) be the chief executive officer of the Authority and shall be responsible for the execution of the policy of the Board and

its decisions, and for the control and management of the day to day business and activities of the Authority;

(b) act in accordance with such directions as he may receive from the Board; and

(c) submit reports, work plans and budgets of the Authority, as the Board may determine.

(3) The Director shall, unless otherwise directed by the Board, attend every meeting of the Board and may take part in its deliberations but shall have no right to vote.

(4) The Director may, with the approval of the Board, delegate any of his functions to such officer as he may determine.

[S. 12 came into operation 21 October 2023.]

13. Delegation

(1) The Board may, subject to such instructions as it may give, delegate to the Director such of its functions and powers as may be necessary for the effective management of the day to day business and activities of the Authority, other than the power to –

(a) sell or exchange any property or make any donation;

(b) borrow money; or

(c) enter into any transaction in respect of capital expenditure which exceeds the prescribed amount of the Authority under the Public Procurement Act.

(2) The Director may, with the approval of the Board, delegate any of his functions and powers to such officers as he may determine for the effective management of the day to day business and activities of the Authority.

[S. 13 came into operation on 21 October 2023.]

14. Appointment of officers

(1) The Authority may, on such terms and conditions as it may determine, appoint such officers as it considers necessary for the proper discharge of its functions under this Act.

(2) Every officer shall be under the administrative control of the Director.

[S. 14 came into operation on 21 October 2023.]

15. Conditions of service of officers

The Board may make provision to govern the conditions of service of its officers and, in particular, deal with –

(a) the appointment, retirement, dismissal, discipline, pay and leave of, and the security to be given to, officers;

(b) appeals by officers against dismissal and any other disciplinary measures; and

(c) the establishment and maintenance of provident and pension fund schemes and any other scheme, and the contributions payable to and the benefits recoverable from these schemes.

[S. 15 came into operation on 21 October 2023.]

PART IV – REAL ESTATE AGENTS

Sub-Part A – Registration as Real Estate Agent

16. Real estate agent

(1) No person shall act as a real estate agent unless he is registered as such with the Authority.

(2) An application for registration as a real estate agent shall be made to the Authority in such form and manner as may be prescribed.

(3) Subject to subsection (4), a person shall be entitled to be registered as a real estate agent where –

(a) in the case of an individual, he –

(i) is 21 years of age; and

(ii) holds a diploma in real estate or such other equivalent qualification as the Board may approve; or

(iii) satisfies the Board that has a minimum of 5 years' experience in the business of real estate transactions;

(b) in the case of a company –

(i) it is incorporated or registered as such under the Companies Act; and

(ii) it has at least one director who is registered as a real estate agent under this Act;

(c) in the case of a *sociéte* or partnership –

(i) it is registered under the Business Registration Act; and

(ii) has at least one member, partner or director who is registered as a real estate agent under this Act; and

(d) the individual, company, *sociéte* or partnership, as the case may be, meets such other criteria as may be prescribed.

(4) No person shall be entitled to be registered as a real estate agent –

(a) where he has been convicted of a financial crime offence;

(b) where his name appears on any United Nations Sanctions List;

(c) where he has been convicted, within 10 years of his application, of an offence involving fraud or dishonesty in any country;

(d) where has been disqualified or deregistered, within 5 years of his application, from acting as a real estate agent on account of professional misconduct, fraud, dishonesty or breach of a code of practice in any country;

(e) where he suffers from any mental impairment which is likely to hamper the discharge of his duties as a real estate agent;

(f) where he is declared bankrupt;

(g) –
[R 3/26 (cio 18/4/26).]

(h) where is the subject of extradition proceedings; or

(i) under such other grounds as may be prescribed.

(5) Where the Authority grants an application for registration as a real estate agent, the Authority shall, on payment of such fee as may be prescribed

and on payment of such security as may be required under section 17, issue, on such terms and conditions as it may determine, a certificate of registration.

(6) (a) Where the Authority issues a certificate of registration to real estate agent, the person shall, within 5 working days of his registration, apply for registration with FIU pursuant to section 14C of the Financial Intelligence and Anti-Money Laundering Act.

(b) Where any person fails to comply with paragraph (a), he shall commit an offence.

[Added 15/21 (cio 5/8/2021).]

[S. 16 not in operation.]

[S. 16 amended by s. 18 of Act 3 of 2026 w.e.f. 18 April 2026.]

17. Security to be furnished by real estate agent

(1) No person shall be registered as a real estate agent unless he furnishes a security in such amount as may be prescribed.

(2) The security referred to in subsection (1) shall be furnished by –

(a) cash deposited with the Accountant-General;

(b) a bond of a bank;

(c) means of a policy of insurance issued by a company registered under the Insurance Act; or

(d) means of a mortgage on immovable property.

(3) Where a person furnishes security, otherwise than in cash, he shall cause to be produced to the Accountant-General –

(a) a policy of insurance issued under subsection (2)(c) and every receipt witnessing the payment of any premium payable under the policy; or

(b) a certificate from the Conservator of Mortgages that a mortgage under subsection (2)(d) has been inscribed.

(4) Where a person furnishes security, that security may be applied, where necessary, for the satisfaction of –

(a) a judgment debt against him arising out of a matter connected in the discharge of his functions as a real estate agent; or

(b) any penalty incurred by him under this Act.

(5) Subject to subsection (6), where security –

(a) is furnished in accordance with subsection (2)(c); and

(b) is applied for any purpose specified in subsection (4),

no claim shall be receivable in respect of any sum paid by the Accountant-General to any person.

(6) Subsection (5) shall not prejudice any right of any estate agent to recover from any person any sum paid out by the Accountant-General under that subsection.

(7) Where the Accountant-General makes any payment under subsection (4) out of the security furnished, he shall give written notice to the estate agent.

(8) Where the Authority is of opinion that the security furnished has become invalid or insufficient, the estate agent may be required to furnish fresh or additional security.

(9) Where, in relation to, or on account of, any security furnished under this Act, a surety has died or has been compelled to pay the whole or part of the security furnished, or where the security furnished has become invalid or insufficient, the estate agent may be suspended until fresh or additional security is furnished to the satisfaction of the Authority.

[S. 17 came into operation on 1 November 2020).]

18. Register of Real Estate Agents

(1) The Authority shall keep a Register of Real Estate Agents, or such other register as may be necessary, in such form and manner as the Authority may determine.

(2) The Authority shall enter in the Register –

(a) the name, address, qualification and other particulars of every estate agent;

(b) any alteration in the particulars of a real estate agent;

(c) where a real estate agent has died or is suspended or deregistered as a real estate agent, an annotation to that effect;

(d) such other particulars as the Authority may determine.

(3) The Register shall be made available, at all reasonable times, for inspection by any person on payment of such fee as may be prescribed.

[S. 18 not in operation.]

Sub-Part B – Obligations and Duties of Real Estate Agents

19. Contract

(1) No real estate transaction shall be carried out by a real estate agent on behalf of a client unless there is a written contract between the real estate agent and the client.

(2) Every contract shall –

(a) specify the real estate and the transaction to be carried out by the estate agent;

(b) specify the period of validity of the contract;

(c) specify whether the real estate agent is the sole agent of the person in respect of the subject matter of the contract; and

(d) be made in accordance with this Act.

(3) Any dispute pertaining to the performance of any contract may, if the parties agree, be referred to and settled by the Authority.

[S. 19 not in operation.]

20. Fees chargeable by real estate agent

(1) Subject to subsection (2), the fee for a real estate agent in carrying out a real estate transaction shall be of such percentage, as may be prescribed, of the value of the transaction.

(2) Nothing in subsection (1) shall prevent a real estate agent from charging any other fee for giving advice as regards a real estate transaction or any other service by the real estate agent not specified in this Act.

[S. 20 came into operation on 1 November 2020).]

21. Keeping of accounts

(1) Every estate agent shall keep accounts of all his receipts and expenditure in relation to transactions, showing clearly and separately any amount received from, or on behalf of, his clients or any amount paid to his clients or to any other person.

(2) The accounts referred to in subsection (1) shall be maintained for a period of 7 years following the completion of the transaction.

(3) The Authority may, where it has reason to believe that it is necessary to do so, designate an auditor to audit the books of account of any estate agent at its own expense, and the auditor shall make a written report of his audit to the Authority.

[S. 21 not in operation.]

PART V – AML/CFT MEASURES

22. Application of Part V

(1) This Part shall be in addition to, and not in derogation from, the Financial Intelligence and Anti-Money Laundering Act.

(2) The Authority shall, for the purpose of anti-money laundering and combating the financing of terrorism and proliferation, be responsible, under the Financial Intelligence and Anti-Money Laundering Act and any other relevant Act, for the supervision of real estate agents.

[RR 20/23 (cio 29/3/24).]

(3) Every real estate agent shall, for the purpose of anti-money laundering and combating the financing of terrorism and proliferation, abide by the Financial Intelligence and Anti-Money Laundering Act, the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 and any other relevant Act.

[S. 22 not in operation.]

[S. 22 amended by s. 166 of Act 20 of 2023 w.e.f. 29 March 2024.]

23. Reporting of suspicious transaction by real estate agent

(1) Notwithstanding section 300 of the Criminal Code and any other enactment, every real estate agent shall, as soon as he becomes aware of a suspicious transaction, make a report to FIU of such transaction not later than 5 working days after the suspicion arose.

(2) Where a real estate agent –

(a) becomes aware of a suspicious transaction; or

(b) ought reasonably to have become aware of a suspicious transaction,

and he fails to make a report to FIU of such transaction not later than 5 working days after the suspicion arose, he shall commit an offence and shall, on conviction, be liable to fine not exceeding one million rupees and to imprisonment for a term not exceeding 5 years.

(3) FIU may, in relation to any suspicious transaction or information that is reported to it pursuant to subsection (1), require such further information as it may determine from the real estate agent and real estate agent shall provide such information.

(4) In this section –

"suspicious transaction" has the same meaning as in the Financial Intelligence and Anti-Money Laundering Act.

[S. 23 not in operation.]

24. Breach of AML/CFT measures

Where FIU has reasonable cause to believe that a real estate agent has contravened the Financial Intelligence and Anti-Money Laundering Act or the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 or any regulations made or guidelines issued under those Acts, it shall –

(a) take any relevant measure provided under the Financial Intelligence and Anti-Money Laundering Act or the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019, or any regulations or guidelines against the real estate agent; and

(b) where appropriate, refer the matter to the Authority for any additional disciplinary measure as the Authority may deem appropriate against the real estate agent.

[S. 24 not in operation.]

PART VI – DISCIPLINE

25. Professional misconduct

(1) A real estate agent shall commit an act of professional misconduct where he –

(a) is dishonest or demonstrates gross incompetence in the discharge of his functions and exercise of his powers as a real estate agent;

(b) engages in conduct of grave impropriety or gross negligence in the discharge of his functions and exercise of his powers as a real estate agent;

(c) uses another real estate agent's description, photograph or other information relating to real estate to procure his services as a real estate agent;

(d) fails, without reasonable excuse, to produce any record, document or article when required by the Disciplinary Committee to do so, or to answer any question put to him by the Disciplinary Committee during its proceedings;

(e) knowingly makes a false or misleading statement or any material omission in or from an answer to any question put to him by the Disciplinary Committee during its proceedings;

(f) advertises real estate for its sale, exchange, purchase or lease and fails to disclose his name and the fact that he is a real estate agent in such manner so as to misrepresent to the public that he is the owner of the real estate;

(g) holds himself out as a real estate agent having authority to carry out real estate transactions on behalf on an owner without the owner's consent;

(h) accepts a commission, rebate or profit on expenditures made while acting as a real estate agent in the management of real estate without the owner's consent;

(i) acquires an interest in real estate listed with him for sale, exchange, purchase or lease of the real estate without disclosing complete details of his interest to the owner of the real estate;

(j) induces a party to a contract for the sale, exchange, purchase or lease of real estate to breach the contract for the purpose of entering into a contract with another person;

(k) acts as a dual agent without the written consent of the parties involved in a transaction and without disclosing the nature and scope of the representation to his client in the transaction;

(l) assigns a contract without providing full and frank disclosure to all parties involved in the transaction;

(m) employs or uses the services of a person whose application for registration as a real estate agent has been refused on grounds of character or whose name has been removed from the Register and has not been reinstated therein or who is suspended as real estate agent;

(n) breaches the Code of Conduct and Practice;

(o) is disqualified to be registered as a real estate agent under this Act;

(p) does any other act likely to bring the business of real estate into disrepute.

(2) Where, in relation to a real estate agent which is a company or any similar body, any act done by or with the knowledge, consent or connivance of or was attributable to any director, manager, secretary or similar officer of the company or similar body, or any person purporting to act as any such officer, such act shall be deemed to be an act done on the part of the body corporate.

[S. 25 not in operation.]

26. Preliminary investigation by Authority

(1) Subject to subsection (2), the Authority may investigate any complaint made against a real estate agent which relates to professional misconduct.

(2) Where the Authority investigates a complaint under subsection (1), it –

(a) shall notify the real estate agent whose conduct, act or omission is under investigation, of the nature of the complaint against him;

(b) may visit or inspect the premises where the alleged complaint has occurred;

(c) may summon and hear the real estate agent who shall be given an opportunity of being assisted by a legal representative of his choice;

(d) may summon and hear witnesses;

(e) may call for the communication or production of any relevant record, document or article; and

(f) shall submit its report not later than 3 months as from the date the investigation starts.

(3) Where, in the course of a preliminary investigation, any person refuses to communicate or produce any record, document or article on the ground of confidentiality, the Authority may apply to the Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the investigation.

(4) Where the Judge is satisfied that the record, document or article sought is bona fide required for the purpose of the preliminary investigation, he may make an order under subsection (3).

(5) (a) The Authority may, for the purpose of a preliminary investigation, appoint a committee consisting of not less than 3 members.

(b) Any member who –

(i) is closely related to a real estate agent whose conduct, act or omission is under preliminary investigation; or

(ii) has any pecuniary or other personal interest in the subject-matter of a preliminary investigation,

shall disclose his relationship or interest, as the case may be, and refrain from participating in the investigation.

[S. 26 not in operation.]

27. Disciplinary proceedings

(1) Where, after a preliminary investigation, the Authority considers it necessary to prefer charges against a real estate agent, it shall forward to him a statement of those charges and call upon him to state in writing, before such

date as the Authority may specify, any ground on which he relies to exculpate himself.

(2) Where the estate agent does not furnish a reply to any charge forwarded under subsection (1) within the period specified or where, in the opinion of the Authority, he fails to exculpate himself, the Authority may, subject to section 31, institute disciplinary proceedings against him before a Disciplinary Committee.

[S. 27 not in operation.]

28. Disciplinary Committee

(1) The Authority may, for the purpose of section 27, set up a Disciplinary Committee which shall consist of –

(a) a President, who is or has been a Judge or Magistrate, or is a barrister of not less than 10 years' standing; and

(b) 2 assessors, who shall be real estate agents and who are not members.

(2) The President and assessors of a Disciplinary Committee shall be appointed by the Authority on such terms and conditions as the Authority may determine.

(3) The Authority shall appoint a secretary to a Disciplinary Committee, who shall keep the minutes of proceedings of every meeting of the Disciplinary Committee.

(4) (a) Where the President or an assessor of a Disciplinary Committee is related by blood or marriage to a real estate agent who is the subject of disciplinary proceedings, the President or assessor shall disclose his relationship to the Disciplinary Committee and shall not take part in those proceedings.

(b) Any disclosure made under paragraph (a) shall be recorded in the minutes of proceedings.

(c) Where the President or an assessor of the Disciplinary Committee does not take part in the proceedings under paragraph (a), the Authority shall appoint another person to replace him.

(d) Any person appointed under paragraph (c) shall satisfy the requirements referred to in subsection (1)(a) or (b), as the case may be.

[S. 28 not in operation.]

29. Proceedings of Disciplinary Committee

(1) A Disciplinary Committee shall meet at such time and place as the President of the Committee thinks fit.

(2) Where disciplinary proceedings are instituted under section 27, the Disciplinary Committee shall inquire into the charges preferred against the real estate agent.

(3) A Disciplinary Committee may –

(a) summon any person to appear before it to give evidence or produce any record, document or article; or

(b) take evidence on oath, solemn affirmation or declaration and, for that purpose, administer an oath, a solemn affirmation or a declaration, as the case may be.

(4) (a) Where, in the course of any disciplinary proceedings, a person refuses to communicate or produce any record, document or article, on the ground of confidentiality, the Authority may apply to a Judge in Chambers for an order directing that person to communicate or produce the record, document or article required for the purpose of the proceedings.

(b) Where the Judge is satisfied that the record, document or article sought is bona fide required for the purpose of the proceedings, he may make an order under paragraph (a).

[S. 29 not in operation.]

30. Other disciplinary measures

(1) Without any of the proceedings provided for in section 26, 27 or 29 being instituted, the Authority may, where –

(a) a real estate agent has been convicted of an offence and is serving a sentence of imprisonment or penal servitude; or

(b) FIU has determined that a real estate agent is in breach of the Financial Intelligence and Anti-Money Laundering Act or the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 or any regulations made or guidelines issued under those Acts, and the matter has been referred to the Authority pursuant to section 24(b),

suspend the real estate agent for such time as the Authority may determine or give the real estate agent an opportunity to show cause why he shall not be deregistered as a real estate agent.

(2) The Authority shall cause any suspension or deregistration under this Act to be published in the Gazette and in 2 daily newspapers.

[S. 30 not in operation.]

31. Summary proceedings

Where the Authority is satisfied, after having carried out a preliminary investigation against a real estate agent that he has committed an act or omission which, in its opinion, is not considered to be of a serious nature, it may inflict upon him a warning or severe warning.

[S. 31 not in operation.]

32. Name and other particulars removed from Register

(1) The Authority shall cause to be removed from the Register the name and other particulars of any real estate agent who has been deregistered as a real estate agent under this Act.

(2) Where the name and other particulars of a real estate agent have been removed from the Register, the name and other particulars of that person shall not be restored to the Register except by order of the Authority or of the Supreme Court, as the case may be.

(3) The Authority may, on its own motion or on application of the real estate agent and after holding such inquiry as it may determine, cause his name and other particulars to be restored to the Register.

[S. 32 not in operation.]

PART VII – FINANCIAL PROVISIONS AND ACCOUNTS

33. Monies accruing to Authority

Any monies accruing to the Authority shall, on the commencement of this section, be paid into the Consolidated Fund.

[S. 33 came into operation on 1 November 2020).]

[S. 33 repealed and replaced by s. 48 of Act 18 of 2025 w.e.f. 5 September 2024.]

34. Execution of documents

No deed, contract or other document shall be signed by or on behalf of the Authority unless it is signed by –

(a) the Chairperson or, in his absence, by another member authorised by the Board; and

(b) the Director, or in his absence, by an officer designated by him.

[S. 34 came into operation on 1 November 2020).]

35. Donations and exemptions

(1) Article 910 of the Code Civil Mauricien shall not apply to the Authority.

(2) Notwithstanding any other enactment, the Authority shall be exempt from the payment of any charge, fee, rate or tax.

[S. 35 came into operation on 1 November 2020).]

36. Annual report

(1) The Authority shall, not later than 6 months after the close of every financial year, cause to be published a report on the activities of the Authority, including its audited accounts, in respect of that financial year.

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June of the following year shall be deemed to be the first financial year of the Authority.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Authority.

(4) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(5) The Authority shall forward a copy of the report referred to in subsection (1) to the Minister.

(6) The Authority shall furnish to the Minister such information with respect to its activities, in such manner and at such time, as he may specify.

(7) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Authority before the Assembly.

[S. 36 came into operation on 1 November 2020).]

37. Transfer of property and borrowing

The Authority shall not, except with the approval of the Minister –

(a) sell or exchange any property or make any donation; and

(b) borrow any money and any borrowing shall be for the purposes of this Act.

[S. 37 came into operation on 1 November 2020).]

PART VIII – MISCELLANEOUS

38. Legal proceedings

(1) The Authority shall act, sue and be sued in its name.

(2) Service of process by, or on, the Authority shall be sufficient if made on behalf of, or on, the Director.

[S. 38 came into operation on 1 November 2020).]

39. Confidentiality

(1) No officer shall, during or after the tenure of his office, use or disclose any matter which came to his knowledge in the discharge of his functions, except –

(a) for the purposes of this Act; or

(b) where he is so required by a Court or under any enactment.

(2) Any person who, without lawful excuse, contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

[S. 39 came into operation on 1 November 2020).]

40. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Authority or any member or any officer in respect of any act done or omitted in good faith in the execution of its or his functions or exercise of its or his powers under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act, and for the purposes of that Act, every officer shall be deemed to be a public officer or a person lawfully engaged, authorised or employed in the performance of a public duty.

[S. 40 came into operation on 1 November 2020).]

41. Powers of Minister

(1) The Minister may give such written directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in respect of its activities and the Board shall comply with those directions.

(2) The Minister may, in writing, require the Board to furnish such information in such manner and at such time as he thinks fit in respect of any activities and the Board shall supply such information.

[S. 41 came into operation on 1 November 2020).]

42. Review of decision of Authority

A person who is aggrieved by the decision of the Authority –

(a) not to register him as a real estate agent; or

(b) to take any other disciplinary measure against him,

may apply for a judicial review of the decision in accordance with Sub-part VIA of Part II of the Courts Act.

[S. 42 not in operation.]

[S 42 repealed and replaced by s. 4 of Act 27 of 2025 w.e.f. 5 January 2026.]

43. Regulations

(1) The Minister may, after consultation with the Board, make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide for –

(a) for the levy of fees, charges, penalties and interests;

(b) for a Code of Conduct and Practice;

(c) for any matter which is connected, consequential or incidental to this Act;

(d) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

[S. 43 came into operation on 1 November 2020).]

44. Offences

(1) Any person who –

(a) is not registered or is deregistered as a real estate agent –

(i) acts as a real estate agent;

(ii) holds himself out or conducts himself as a real estate agent;

(iii) by any wilful act or omission, causes or induces any person to believe that he is a real estate agent; or

(iv) demands, sues for or recovers in any Court any charge by way of claim, counter-claim or otherwise in relation to any services he claims to have provided as a real estate agent; or

(b) fraudulently procures or attempts to procure his registration as a real estate agent,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Any person who –

(a) wilfully fails to attend a Disciplinary Committee after having been summoned;

(b) refuses to take an oath or make solemn affirmation or a declaration, as the case may be, before a Disciplinary Committee;

(c) refuses, without reasonable excuse, to produce any record, document or article before a Disciplinary Committee;

(d) gives false evidence or evidence which he knows to be misleading before a Disciplinary Committee;

(e) obstructs the proceedings of a meeting of the Board or a Disciplinary Committee;

(f) molests any member of the Board or a Disciplinary Committee in the course of, or on account of, any investigation or proceedings under this Act; or

(g) in any other manner, contravenes this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) Any person who commits an offence under this Act shall, on conviction, where no specific penalty is provided, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

[S. 44 not in operation.]

45. Consequential amendments

(1) The Financial Intelligence and Anti-Money Laundering Act is amended –

(a) in section 2, by inserting, in the appropriate alphabetical order, the following new definitions –

"Real Estate Agent Authority" means the Real Estate Agent Authority established under section 3 of the Real Estate Agent Authority Act 2020;

"Financial Reporting Council" means the Financial Reporting Council established under section 3 of the Financial Reporting Act;

(b) in section 19A, in subsection (2), by inserting, after paragraph (k), the following new paragraph –

(l) the Director of the Real Estate Agent Authority or his representative;

(c) in section 21 –

(i) by deleting the heading and replacing it by the following heading –

21. Provision of information by FIU to investigatory authorities, supervisory authorities, Counterterrorism Unit, Real Estate Agent Authority, Financial Reporting Council or Registrars

(ii) in subsection (1) –

(A) in paragraph (a), by inserting, after the words "the Counterterrorism Unit", the words ", the Real Estate Agent Authority, the Financial Reporting Council";

(B) in paragraph (b), by inserting, after the words "the Counterterrorism Unit" the words "the Real Estate Authority or the Financial Reporting Council";

(C) by inserting, after the words "supervisory authority, the Counterterrorism Unit", the words "the Real Estate Agent Authority, the Financial Reporting Council";

(d) In section 22 –

(i) by deleting the heading and replacing it by the following heading –

22. Provision of information by supervisory authorities, Counterterrorism Unit, Real Estate Agent Authority, Financial Reporting Council or Registrars to FIU

(ii) in subsection (1), by inserting, after the words ", the Counterterrorism Unit" wherever they appear, the words ", the Real Estate Authority, the Financial Reporting Council";

(e) in the First Schedule –

(i) in Part I –

(A) by deleting item 9 and its corresponding entry and replacing it by the following item and its corresponding entry –

	Real Estate Agents, including Land Promoters and Property Developers (in so far as it relates to AML/CFT under this Act or under any other relevant enactment)	FIU

(B) by deleting item 10 and its corresponding entry;

(ii) in Part II, by repealing subparagraph (c) and replacing it by the following subparagraph –

(c) a real estate agent, including a land promoter and property developer, where he is involved in real estate transactions for a client concerning the sale, exchange, purchase or lease of real estate;

(2) The Local Government Act is amended, in the Twelfth Schedule, by deleting the following items –

Agent in Land and/or Building or Estate Agency

Land Promoter and Property Developer

(3) The Public Procurement Act is amended, in the First Schedule, in Part III, by adding the following new item –

Real Estate Agent Authority

(4) The Statutory Bodies (Accounts and Audit) Act is amended, in the Second Schedule, in Part I, by inserting, in the appropriate alphabetical order, the following item –

Real Estate Agent Authority

[S. 45 came into operation on 1 November 2020).]

46. Transitional provisions

(1) Every person who, prior to the commencement of this Act, was acting as a real estate agent shall, not later than 6 months after the commencement of this Act, make an application to be registered as a real estate agent with the Authority.

(2) Where this Act does not make any provision for any transition, the Minister may make such regulations as may be necessary for such transition.

[S. 46 not in operation.]

47. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.